In the High Court of Punjab and Haryana at Chandigarh

.....

C.O.C.P. No.1666 of 2006

.....

Date of decision:30.11.2006

Mange Ram

.....Petitioner

v.

Balwinder Singh Kalra and another

.....Respondents

....

Present: Mr. V.K. Bali, Advocate for the petitioner.

.....

S.S. Saron, J.

This petition has been filed under Sections 10 and 12 of the Contempt of Courts Act, 1971 alleging disobedience of the order dated 7.11.2006 (Annexure-P.2) passed by this Court in C.W.P. No.17575 of 2006.

Learned counsel for the petitioner contends that in terms of the order dated 7.11.2006 (Annexure-P.2) the Municipal Committee, Karnal was to decide the representation appended as Annexure-P.5 with the said writ petition within a period of three weeks. The order of this Court, it is contended, was conveyed to the President/Secretary of the Municipal Committee, Karnal on 17.11.2006 (Annexure-P.4) which was acknowledged vide receipt No.1724 dated 17.11.2006. However, instead of deciding the representation (Annexure-P.5) with the writ petition within a period of three weeks as directed by this Court on 7.11.2006 (Annexure-P.2), the Municipal Committee, Karnal on the same day i.e. 17.11.2006 issued a notice (Annexure-P.7) alleging that the petitioner has illegally encroached upon the Government/Municipal Committee passage. The petitioner has been directed

to remove the encroachment within seven days of the receipt of the notice otherwise he would be proceeded against under Section 181 of the Haryana Municipal Act, 1973.

After giving my thoughtful consideration to the matter the possibility of the order dated 7.11.2006 being received by the Municipal Committee on 17.11.2006 by one branch and issuance of the notice on the same day i.e. 17.11.2006 (Annexure-P.7) by another branch of the Municipal Committee, Karnal cannot be ruled out. However, it is equally true that the order of this Court passed on 7.11.2006 (Annexure-P.2) is to be complied with and the representation appended as Annexure-P.5 with the writ petition is to be decided within three weeks from the date of receipt of copy of the order. The copy of the order, according to the learned counsel, has been received by the Municipal Committee on 17.11.2006 and a period of three weeks would lapse on 8.12.2006.

In the peculiar facts and circumstances it would be just and appropriate to dispose of the present petition with a direction to the respondents to decide the representation (Annexure-P.5) appended with C.W.P. No.17575 of 2006 within a period of three weeks from 17.11.2006 i.e. by 8.12.2006 and in the meantime till 8.12.2006 the notice dated 17.11.2006 (Annexure-P.7) shall be kept in abeyance.

The petition is accordingly disposed of in the above terms.

November 30, 2006. **(S.S. Saron)**
Judge

hsp